

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

SHEILA HACKERT, Individually, and as
Administratrix of the Goods, Chattels, and
Credits of William P. Hackert, Jr., and Christine
M. Hackert, Deceased; and JOHN ANTHONY
HACKERT,

Plaintiffs,

1:03-CV-216

vs

FIRST ALERT, INC.; and BRK BRANDS, INC.,

Defendants.

APPEARANCES:

OF COUNSEL:

ROBINS, KAPLAN, MILLER & CIRESI L.L.P.
Attorneys for Plaintiffs
Suite 2800
800 LaSalle Avenue
Minneapolis, MN 55402-3394

JAMES L. FETTERLY, ESQ.
SALLY M. SILK, ESQ.

HACKER & MURPHY, LLP
Attorneys for Plaintiffs
7 Airport Park Boulevard
P.O. Box 104
Latham, New York 12110-0104

JAMES E. HACKER, ESQ.

COZEN O'CONNOR
Attorneys for Defendants
3rd Floor
1900 Market Street
Philadelphia, PA 19103

JAMES H. HELLER, ESQ.
TERRY M. HENRY, ESQ.

GOLDBERG SEGALLA LLP
Attorneys for Defendants
Suite 400
665 Main Street
Buffalo, New York 14203

NEIL A. GOLDBERG, ESQ.

DAVID N. HURD
United States District Judge

ORDER

This matter came before a jury, was duly tried, and the jury rendered verdicts in favor of the plaintiffs for compensatory damages on April 20, 2006, and punitive damages on April 21, 2006. (Docket Nos. 200, 203.) The parties have submitted proposed judgments and brief memoranda in support, which have been considered in conjunction with the Verdict Forms. Interest shall be calculated at 9% from November 13, 2003. Defendants are entitled to the collateral source offset.

Accordingly, it is

ORDERED that

1. Decision is reserved as to plaintiff's submitted Bill of Costs. Any dispute as to the amounts recoverable shall be addressed during post-trial motions.
2. Plaintiff John Anthony Hackert's personal injury claim is DISMISSED.
3. The Clerk is directed to enter a judgment in favor of the plaintiffs Sheila Hackert and John Anthony Hackert against First Alert, Inc and BRK Brands, Inc. in accordance with the attached table.

IT IS SO ORDERED.



David N. Hurd
District Judge

Dated: April 28, 2006
Utica, New York.

A. DEATH OF WILLIAM P. HACKERT, JR.

Compensatory Damages

Awarded to Sheila Hackert

Economic loss to date	\$ 165,511.00
Future economic loss	- 0 -

Awarded to John Anthony Hackert

Economic loss to date	4,017.00
Future economic loss	3,250.00

Conscious pain and suffering by William P. Hackert, Jr.	<u>1,950,000.00</u>
--	---------------------

Total compensatory damages for William P. Hackert, Jr.'s death	\$2,122,778.00
---	----------------

B. DEATH OF CHRISTINE M. HACKERT

Compensatory Damages

Awarded to Sheila Hackert

Economic loss to date	67,662.00
Future economic loss	10,949.00

Conscious pain and suffering by Christine M. Hackert	<u>1,950,000.00</u>
---	---------------------

Total compensatory damages for Christine M. Hackert's death	\$2,028,611.00
--	----------------

C. TOTAL COMPENSATORY DAMAGES	\$4,151,389.00
-------------------------------	----------------

D. PUNITIVE DAMAGES	<u>500,000.00</u>
---------------------	-------------------

E. TOTAL COMPENSATORY & PUNITIVE DAMAGES	\$4,651,389.00
--	----------------